



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/380,944	12/06/1999	JEAN-MARC DIMECH		3284

7590 11/04/2004

Eugene C Rzucidlo Esq
GREENBERG TRAURIG LLP
885 Third Avenue 21st Flr
New York, NY 10022

EXAMINER

CRAVER, CHARLES R

ART UNIT	PAPER NUMBER
----------	--------------

2682

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/380,944	Applicant(s) DIMECH, JEAN-MARC	
	Examiner Charles R Craver	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 6-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 6-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6, 7, 14, 15, 17, 18 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Lodenius, US Pat 5,799,091.

Claim 6: Lodenius discloses a process for transmitting data between a radio communications network (col 1 lines 13-28) that inherently transmits data at a specified rate (via GSM) and a data processing means (FIG 1, col 2 lines 32-67) comprising a PC linked to the network by a terminal means (100, col 3 lines 1-37), the terminal means including data adaptor means (300) through which the data flows (via 102, col 5 lines 30-45) under the control of sequencing means (320) in which the sequencing means is locked to the rate of the network for synchronizing the flow of data through the adaptor means (col 4 line 63-col 5 line 4, col 4 lines 43-55). **Claim 7:** the locking means would inherently utilize a time base. **Claim 14:** Lodenius discloses that the processing means is comprised of a circuit in said module (col 2 lines 42-67). **Claims 15, 17, 18 and 25:** Lodenius discloses a radiotelephone (col 2 lines 55-56).

Claim Rejections - 35 USC ' 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
Claims 8, 11, 19 and 22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lodenius as applied to claim 7 above.

Claim 8: while disclosing applicant's invention of claim 7 above, Lodenius fails to disclose frequency dividers to divide the rate of the network to control data exchange. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Lodenius, as it would allow the unit to operate properly given the different data rates and coding schemes used by Lodenius (col 5 lines 30-45). **Claim 11:** Lodenius discloses that the adaptor means carries out the adaptation in synchronism with the interface exchange means (col 4 line 63-col 5 line 7 and 30-45). **Claims 19 and 22:** Lodenius discloses a radiotelephone (col 2 lines 55-56).

Claims 9, 10, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lodenius as applied to claim 8 above, and further in view of Selin.

Claims 9 and 10, which depend on claim 8: Please see the rejection of claims 2-5 above. **Claims 20 and 21:** Lodenius discloses a radiotelephone (col 2 lines 55-56).

Claims 12, 13, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lodenius as applied to claim 11 above, and further in view of Selin.

Claims 12 and 13, which depend on claim 11: Please see the rejection of claims 2-5 above. **Claims 23 and 24**: Lodenius discloses a radiotelephone (col 2 lines 55-56).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lodenius as applied to claim 15 above

Claim 16, which depends on claim 15: While not disclosing that the data originates from the internet, the internet was notoriously well known at the time of the invention, and as such the examiner takes Official Notice of such a limitation. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize internet communications in the mobile radio of Lodenius, given the popularity of messaging and wireless E-mail, so as to allow the user more flexibility in his or her wireless usage.

Allowable Subject Matter

Claim 1 is allowed.

The following is an examiner's statement of reasons for allowance:

Claim 1 teaches towards a process for transmitting data between a specific-rate radio network and data processing means comprising a PC linked with a terminal including a data adaptor through which data flows under the control of sequencing means, wherein the sequencer is locked to the rate of the radio network to synchronize data flow by filling a first buffer register with data to be sent originating from the processing means,

generating network rate-synchronized extraction pulses by the sequencer means, extracting data from the buffer register with the pulses, encoding the data with the adaptor means and transmitting the data to a network interface radio means to be sent, and storing radio network originated data in a second buffer register means, using the pulses to extract data from the second buffer register means and decoding that data and transmitting it to the processing means. The prior art teaches means to lock a LO to a system clock, however it is neither taught nor suggested to use the two-buffer synchronized system of the instant invention in a data adaptor used between a radio network and a PC.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9306 for both formal and informal/draft communications, labeled as such.

Hand delivered responses should be brought to Crystal Plaze II, 200
South 20th St, Arlington VA, first floor lobby room 1B03.

Any inquiry concerning this or earlier communications from the examiner should be directed to examiner Charles Craver at (703) 305-3965.

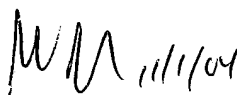
If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached at (703) 308-6739.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-4700.

CC

C.Craver

November 1, 2004


CHARLES CRAVER
PRIMARY EXAMINER